# The Missouri State Convention, and its Ordinance of Emancipation.

## SPEECH

OF

# CHARLES D. DRAKE,

Delivered in St. Louis, July 9, 1863.

FELLOW CITIZENS:—I do not appear before you this evening to give account of my performance of the service in our State Convention, to which I was assigned by the voters of this city and county. My acts, and, in a very small part, my words in that body, during the fifteen momentous days of its session, have been given to the world, and the judgment of my constituents has passed, or soon will pass upon them. I am not here to ask what that judgment is or will be; nor to defend any of my acts; nor to challenge applause for any. I performed my duty conscientiously, according to my best judgment, and that is enough for me to know. If any man thinks he could have shown a better judgment on any point, had he filled my place, I can only regret that he was not there to do it.

My object in responding to the invitation to address you this evening is, in as few and plain words as may be, to convey to your minds a definite and distinct impression of the spirit and acts of that body, which, elected in February, 1861, for certain well-understood purposes, was called together in June, 1863, for other and far different purposes. It is due to the truth of history that this matter should be understood; and if you will give me your attention, I am confident you will understand it in its true light.

I will not stop to discuss the question whether under the law authorizing the election of a Convention, that body, when elected and convened, had the rightful power to act upon the subject of the emancipation of slaves. That is a point to be settled by the Judiciary, not by the people. It is sufficient to say that it is an open question, which the Judiciary may sometime be required to determine, and upon which your opinion or mine, expressed in popular meetings, can have no weight. Conceding for the present the power, I turn to other matters properly cognizable by the people in their primary assemblies.

The Convention, it is universally agreed, was not elected with any reference to the subject of Emancipation. Throughout the whole State, not one single voter, in February, 1861, dreamed that it would ever be called to act upon that subject. It held three separate sessions, in February, July, and October, 1861, without a word being said by a single member about Emancipation. A historian, examining its journal and proceedings during those three sessions, would not suppose that it had any more to do with Emancipation in Missouri, than in the kingdom of Dahomey. It met again in June, 1862. During that session, on the 7th day of June, Judge Breckinridge introduced into the Convention *"An Ordinance to provide for submitting to a vote of the people of Missouri certain amendments to the Constitution, and a scheme for the gradual emancipation of slaves;"* and accompanied its introduction with a speech in its favor. At the conclusion of that speech, Judge Hall, of Randolph, moved to lay the Ordinance on the table, which was done by a vote of 52 to 19; and so ended the first attempt to bring the subject of

Emancipation before the Convention. The motion to lay on the table cut off debate, and the speech of Judge Breckinridge was therefore all that was said about Emancipation, pro or con, in the Convention, from the day it first met, in February, 1861, to the day it closed its fourth session, in June, 1862.

I am thus particular in this statement, because it will be presently seen to connect with other facts, of interest in the elucidation of the spirit and purpose of Governor Gamble in calling the Convention together, and of the Convention when it met in pursuance of his call. The tabling of Judge Breckinridge's Ordinance meant that the Convention was, on the 7th of June, 1862, opposed to *any* action on the subject of Emancipation; so much opposed that it would not even listen to a word from any other member than him; and doubtless he was listened to, only because he had the floor before the motion of Judge Hall could be made.

Soon after the Convention had so disposed of Judge Breckinridge's proposition, the Governor became aware that, in one respect, a mistake had been committed, which it was important should be rectified. You will remember that on the 10th of April, 1862, the Congress of the United States, at the solicitation of the President, passed a joint resolution, in the following words:

"That the United States, ought to co-operate with any State which may adopt gradual abolishment of Slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system."

This resolution was characterized by Governor Gamble as "a proposition of unexampled liberality;" and he saw that the action of the Convention on Judge Breckinridge's Ordinance was but a poor return, on the part of Missouri, for an offer which was as generous as it was unprecedented. On the 13th of June, 1862, therefore, he sent a message to the Convention, calling attention to the fact that its action "would, without doubt, be so misrepresented as to excite a hostile feeling to the State among all those in authority who favor Emancipation, and thus injuriously affect the interests of the State. And as no reason could be given upon the motion by which the ordinance was disposed of, the result might be represented as rudely discourteous to the President and Congress."

You will notice in this language of the Governor no reference to the policy or expediency of Emancipation, though the general Government had offered aid in the work. I do not say that the circumstances demanded such a reference; nor do I reproach or criticise him for the absence of it; but refer to it as a singular feature of his message, when brought into view along with the succeeding portion of that document, to which I will now call your attention.

The object of the message, manifest upon its face, was to furnish the Convention with prepared excuses for their action, not only to the President and Congress, but to their constituents. It was an amiable service on the part of the Governor, which was doubtless appreciated by the Convention; particularly as that body, intensely pro-Slavery as it was, could not have been blind, any more than he was, to the rising feeling in favor of Emancipation, which was making itself manifest over the whole State, in such a way as not to be disregarded.

The Governor first suggests excuses in the following terms:

"If, in the understanding of the Convention it was not contemplated by the people, when electing the body, that it should ever act upon the subject of Slavery in the State, and therefore such action would be improper; or, if the Convention believes that the public mind is so agitated already that the proposal of any scheme of Emancipation would produce dangerous excitement, there can be no objection to assigning either as a reason for abstaining from action upon the subject, and leaving it to *a different body* or another time."

Now, assuming the Governor to have been sincere in these suggestions, as I certainly do, what is their meaning? The form in which they are put is, to be sure, that of a supposition that the Convention might think as he there suggests; but no man can read those sentences without being convinced that they expressed the Governor's own sentiments; which may be thus compendiously stated:

1. It was not contemplated by the people, when electing the Convention, that it should *ever* act upon the subject of Slavery in the State, and therefore such action would be improper; and

2. The public mind was so agitated already, that the proposal of *any* scheme of Emancipation would produce dangerous excitement.

Such were the Executive suggestions, embodying the Executive opinions. But the Governor did not stop at suggesting excuses: he volunteered to furnish the Convention with an argument, which I present in his own words, as follows:

"In theory, conventions are understood to possess all political power, but in actual practice they confine themselves to the measures upon which the people, at the time of their election, expected them to act. When this Convention was chosen, the subject before the public mind was the relation between the State and the general Government. Acting upon this subject, the Convention deposed a Governor and Legislature, because they were trying to disturb those relations; militia ordinances were adopted, because a mil-

tary force was necessary to maintain those relations; the offices of all persons who refused to take an oath of allegiance were vacated, because official power in the hands of disloyal persons might be employed to disturb such relations; laws were vacated, because they had been passed for the purpose of bringing on a collision with the general Government—in fine, the action of the Convention has been mainly addressed to the one subject which it was elected to consider, and to those which arose out of it.

"When, then, it is asked to entertain a proposition, which is to effect a radical change in the social organization of the State, it is well warranted in declining to act upon the proposition, upon the ground that the people, in choosing the Convention, never intended or imagined that the body would undertake any social revolution wholly unconnected with the relations between the State and the general Government. No person who understands the principles of our Government would object to such action, unless it be one who is willing to disregard all principle to accomplish a desired end."

This language, you will remember, came from Governor Gamble—a man who has been more than forty years a lawyer, who was at one time Presiding Judge of the Supreme Court of this State, and who was, when he wrote it, in the full possession of his intellectual faculties. It sums itself up in these five distinct propositions, to which he gave the full sanction of his personal, legal, and official character, to-wit:

1. That Emancipation is a social revolution.

2. That it is wholly unconnected with the relations between the State and the general Government.

3. That the people, in choosing the Convention, *never intended or imagined* that it would undertake to act on the subject of Emancipation.

4. That, therefore, the Convention was well warranted in declining to act upon it.

5. That whoever, understanding the principles of our government, would object to the Convention's so declining to act, is willing *to disregard all principle* to accomplish a desired end.

Such were the doctrines promulgated by the Governor, on the 13th of June, 1862. I reproduce them now, not as new matter, with which this audience may not have become acquainted, but because it is important that they should be viewed in the connection in which I am about to place them. Remark, that not one of those propositions is of a temporary character, which might be good in 1862, but not in 1863. They, each and all, go to the root of the matter, and strike at the propriety of the Convention's acting at all upon the subject of Emancipation, at any time, or under any circumstances; for the manifest reason that the people "never intended or imagined" that it should act upon that subject. In other words, the Convention was not elected for any such purpose, and therefore should not touch the subject. This was his opinion then, and it has never since been disavowed, that I have heard of.

Why, then, did Governor Gamble, in April, 1863, call that Convention together again, for the express purpose of acting upon that very subject? Were the reasons which seemed to him so potent against such action ten months before, any less potent when he issued that call? Did he, in his message to the Convention, when it was assembled under that call, tell them wherein those reasons had ceased to be valid? Nothing of that kind appears in that document. For aught that has come from him, they were just as valid when the Convention met, on the 15th of June, 1863, as when he sent in his message on the 13th of June, 1862. Such being the case, he stands self-convicted of inviting the Convention to do an act, which he believed it wrong for that body to do; which the people never intended or imagined it should do; which it never could do, without his Executive call; and which he had, in effect, solemnly declared no man would have it do, who was not *willing to disregard all principle!*

The question returns, then, Why did he reassemble that Convention, to act upon Emancipation? What is the explanation of such an act? When he became Governor, he proclaimed to the world that "no countenance would be afforded to any scheme or any conduct calculated in any degree to interfere with the institution of Slavery existing in this State:" why should *he* set in motion the machinery that was, not only to interfere with, but destroy that institution? He knew that the Convention was not only not elected with reference to Emancipation, but that it had before "killed Emancipation at the first pop:" why call *it* to bring Emancipation to life again? He knew that it was an incorrigible pro-Slavery body, a clear majority of all of whose members had, in 1862, promptly crushed the life out of a very feeble "scheme calculated to interfere with the institution of Slavery:" why did he call upon those same men to take the exactly opposite course, and crush the life out of Slavery? Why did he do this, when there was, at the very time he did it, and still is, pending in our Legislature, which is to reassemble in November next, a proposition to elect a new Convention, for the express purpose of acting on that particular subject?

My friends, I do not know what was in Governor Gamble's mind when he issued the call for that Convention, elected in February, 1861, to meet in June, 1863, to deal with a subject which he considered, in June, 1862, it ought not to deal with at all; for he has never declared it publicly, or to me individually. I can only look at

the facts as they are, and draw my own conclusions from them; such conclusions as an impartial historian would deduce; such as, in my opinion, every sensible and straightforward man is justified in deducing; such as, I have no doubt, the world's opinion will settle down upon. The whole matter lies in a nutshell. Gov. Gamble, and those who act with him, saw that a public sentiment was rising, over our whole State, in favor of the removal of the curse of Slavery from our soil; that the people were rapidly wheeling into line in favor of *immediate* Emancipation; and that they also demanded the election of a Governor and other State officers, in lieu of those set over them by the Convention. It was necessary, in some way or other, to thwart this movement, or it would sweep the Governor and his party overboard, whenever the people should have access to the ballot-box. How was it to be done? To take issue with it, was certain destruction to him and his partisans. There was only one other way, and that was to take the wind out of the sails of the Emancipationists, by calling the old, almost defunct, pro-Slavery Convention together, and let it ordain Emancipation, at such time as it could be cajoled or frightened into adopting, no matter how distant or protracted, and then go before the people, as they are now doing, and demand and urge acquiescence in its action as a final settlement of the whole matter! It was a cunning game, well played, and doubtless expected to be successful. It was a bold game, too, as it had need to be; for upon its success depended, perhaps, the maintenance and consolidation of enormous power in the hands of the Governor and his parasites. But it was no honest game, and it will not win, if the people come to understand it, as I doubt not they will.

When such a Convention met, under such auspices, what could be expected from it? It took but a single day to discover that it was a packed, compact, and thoroughly drilled body. Every man who could be relied on by the pro-Slavery leaders was in his place, and knew his position and his work. Men were there who had absented themselves from previous sessions. Men of known disloyalty were there, too. The immediate Emancipationists were not one-fourth of the whole. Among them it so happened that I was almost the only one who had been much accustomed to engaging in debate; while on the other side were some half-dozen able debaters, with the Governor at their head. The odds were tremendously against us. And yet, on the first day of the session, an attempt was made to induce the Convention to ask General Schofield to extend the parole of Mr. Marmaduke, a pro-Slavery member, and an avowed secessionist, then under military durance in this city, so as to allow him to take his seat in the Convention. I resisted it, from first to last; and though the Convention finally declared that it had no desire, upon the facts before it, that Mr. Marmaduke should be prevented by military restraint from attending its sessions, it seems that Gen. Schofield had such a desire, upon the facts before him; for, instead of allowing the gentleman to visit Jefferson City and sit in the Convention, he gave him a free passage to Dixie, with full privilege to sit in any convention he can find in that happy land.

I mention this, as a circumstance indicating the effort to array the whole pro-Slavery strength of the body. All that strength was there, that could be got there; was there for a specific purpose; was there to destroy the Radical Emancipation party, by *seeming* to do its work; was there to ordain *bogus* Emancipation, in the hope that the people could be made to accept it as genuine; was there to practice a "confidence game" upon the people, and then "garrote" them, so that their voice should never be heard; was there to set up the will of a majority of eighty-odd men over the will of a majority of the people; was there to subject the people, in effect, to the relentless sway of a dying pro-Slavery oligarchy; which, thank God! died within an hour after it did the work it was called to do. Rejoice, Missouri, that the re-assembling of that Convention is forever impossible!

Having thus shown you the true character of that body, I will briefly refer to its proceedings and acts. They were characterized by as determined a disregard of the popular will, as probably was ever shown by a deliberative body in this country. It was evident to me, from the first, that nothing was to be hoped from it in accordance with the will of the great mass of the people. Two great objects held the majority together: *First*, the continuance of the present State Administration in power, in spite of the demand of the people to be permitted to choose their own rulers; and, *Second*, the adoption of some scheme of Emancipation, no matter how distant in its operation, with which to stifle the cry of the people for action on that subject: both to be pursued with the purpose of breaking up the Emancipation party.

In connection with the first-named object, a very solemn farce was enacted. The Governor resigned his office; was asked to take his resignation back; took it back; and is Governor yet! It required but the sagacity of a mouse to foresee that result, from the moment the Governor's message was read, declaring his resignation to

take effect upon the last day of that session. There were those there, however, who were willing to take the Governor at his word. On the third day of the session, Mr. Eit en introduced an Ordinance, providing for th e election, on the first Monday of August next, of a Governor, Lieutenant Governor and other State officers, which, on motion of Judge Hall, was incontinently laid on the table, where it sleeps yet. On the 22d of June, I introduced a resolution for the appointment of a committee to report an Ordinance for the election, on the 6th of October next, of a Governor, Lieutenant Governor and Secretary of State—the officers that had been appointed by the Convention. This was debated for a day and a half without coming to a conclusion. I advocated it on the broad principle that the people had a right to elect their own rulers; and had it been determined on the ground of principle merely, the resolution would probably have been adopted, at least as to the office of Governor. But the second act of the solemn farce was to be enacted. Mr. Comingo offered a substitute for my resolution, returning the Governor's resignation to him, with a request that he would continue in office until November, 1864, and until his successor should be elected and qualified. The issue was changed from one of principle to a personal one; and, of course, the principle went under. Mr. Comingo's resolution was substituted for mine, and that was the last of effort to give back to the people the privilege of electing their own rulers. The vote of St. Louis members on the question of substitution was: *Ayes*—Messrs. Breckinridge, Gantt, Holmes, How, Long, and Shackleford; *Noes*—Messrs. Bridge, Bush, Drake, Hitchcock, Linton, Meyer, and Smith.

A brief history of the proceedings on the subject of Emancipation will close my review of the action of the Convention. A Committee on Emancipation of one from each Congressional District was elected by the Convention, with the Governor at its head. A majority of its members had voted, in 1862, to lay Judge Breckinridge's Ordinance on the table, and were therefore peculiarly fitted for a committee to prepare an Ordinance of Emancipation. One immediate Emancipationist, Mr. Bush, of this city, was allowed a place on the committee.

After about a week's deliberation, the committee reported a bill declaring Emancipation on the Fourth of July, 1876! It was, for any good to this generation, about equivalent to declaring it in the next century. It is needless for me to review the different steps which led finally to the adoption of the Ordinance as it now stands. It has been before you in all the newspapers, and you have doubtless all read it. No man need read it twice to comprehend its true character. It is a mere subterfuge, designed to delude the people with the idea that the question has been settled, and therefore they should give the matter up, and turn their thoughts to something else. It continues Slavery in this State, as it is now, until the Fourth of July, 1870, and thenceforward, as to all slaves over forty years of age, during their lives. All then under twelve years of age are to remain in servitude until they reach the age of twenty-three; and all between the ages of twelve and forty, until the Fourth of July, 1876. It is a scheme which, in a period of peace, might answer well enough; but in such an era as this, when seven months are more in public affairs than seven years in other times, it is such a scheme as no true Emancipationist would devise. It was shaped and carried by pro-Slavery men, in the expectation that it would accomplish the destruction of the Emancipation party, and in due time, after all rebels should be restored to the elective franchise, be repealed before it should take effect. It declares all slaves in this State on the Fourth of July, 1870, free; and in the same section imposes upon them subsequent periods of servitude to their late owners, during which the owners are to have the same authority and control over them, for the purpose of receiving their possession and services, *that are now held absolutely by the master in respect to his slave*. That is, the emancipated negro is to be, in fact, a slave, until the period of his servitude shall cease. The laws *now* regulating the relation of master and slave are to remain in force during all that period—until the very last slave in the State on the 4th of July, 1870, escapes or dies. The Legislature will have no power to modify them in a single particular, as to the right of the master to the possession and services of the negro. The latter will be the subject of sale, as heretofore, except that, after the day set for nominal emancipation, he cannot be sold to a non-resident of, nor removed from, this State, and if under forty years of age, can be sold for the period of his servitude only.

The only provisions of the Ordinance which have any direct present tendency to destroy the institution of Slavery among us, are those which declare that "all slaves hereafter brought into this State, and not now belonging to citizens of this State, shall thereupon be free;" and that "all slaves removed by consent of their owners to any seceded State, after the passage by such State of an act or ordinance of secession, and hereafter brought into this State by their owners,

shall thereupon be free." For so much let us be grateful to our masters of the Convention.

But not so, not so, for that cap-sheaf of their work, which, from the date of the ordinance, exempts slaves from all taxation through all future time. The master may hold the slave, and profit by, live upon, luxuriate in the avails of his labor, with the protection of the State, and every other benefit that taxation is designed to procure, but not a cent of tax is he to pay upon his slaves. He may thus profit by his slave, with entire immunity from taxation, up to the very day before that fixed for Emancipation, and then remove him from the State, and sell him as a slave for life, and pocket the price of his flesh and blood. The owner of a house which may be destroyed by tempest or fire at any moment; the owner of horses or cattle, which are his means of living, and which may die at any time, must pay tax upon his house, horses and cattle, just as if they were to be his always; but the slave owner is to pay none upon his slave, because, seven years hence, the slave is to be transmuted into a servant. The white laborer is to be taxed out of his hard-earned pittance, but the profit from slave labor is to be diminished by taxation never a single cent. The very institution which has blasted Missouri is to be henceforth her untaxed pet. Property assessed in 1860 at some fifty millions of dollars, and even now, in the midst of war, claimed by slave holders, when they would portray the wrong to them of Emancipation, to be worth that amount, is withdrawn from taxation, and the deficiency of revenue consequent thereon is to be made up by increased levy upon all other property and all vocations. And, worst of all, this immunity is directly and almost wholly *in favor of rebels and rebel sympathizers*; for it is to such that the great mass of slaves in Missouri belong. What is this but a premium set upon Slavery, a reward tendered to disloyalty, a sop thrown to traitors? Did that Convention suppose that in this exemption in favor of those who have brought measureless calamities upon Missouri, they represented her loyal people? No, they knew they did not. But it was a body bound by association, feeling and interest to Slavery, and, true to its instincts, it made this last grab in favor of an institution, which, if taxed to-day to the full value of all the slaves in Missouri, would not repay her Union men what it has cost them in these two years of war, spoliation, and death. Shame upon such heartless rapacity! Down with that which breeds it! Away with those who ordain it as fundamental law in Missouri!

But there are other acts of that Convention which demand special notice. If ever the rights of a people were trampled upon by their own servants, it was by that body, in its persistent refusal to allow the people of Missouri any voice in deciding upon that Ordinance of Emancipation. If ever there was a measure which should have been submitted to a vote of the people, it was that. If ever there was a body which should have asked for a popular vote upon its action, it was that Convention. Of all its members only eleven were elected in this year, and seven of them voted against that Ordinance. In every way in my power I strove to obtain a vote of the people upon it, and at one time it was carried; but a night's manipulation enabled the contemners of popular rights to triumph, and to send their edict abroad without the present possibility of an appeal to the people against it. They were resolved that the voice of the people should be stifled, and it was done! It is important that the facts in this connection should be exhibited circumstantially; and, long as I have already detained you, I beg your attention while I state them, and show you how and by whom the gag was applied. You are interested, especially, in knowing how your own representatives there stood on this subject.

Let me first recall to your recollection that the Ordinance presented by Judge Breckinridge, in June, 1862, provided for a submission of the question of Emancipation to a vote of the people, on the first Monday of August, 1864. It is important that this be borne in mind, as well as that, on the motion to lay that Ordinance on the table, the vote of the St. Louis members was as follows: *Ayes*—Messrs. Long and Shackleford. *Noes*—Messrs. Breckinridge, Bridge, Broadhead, Bush, Hitchcock, Holmes, How, Linton, Meyer, and Smith. Ten were then in favor of a vote in 1864, and two against it.

When the present Ordinance was before the Convention, Mr. Woolfolk moved an amendment, to the effect that the question should be submitted to a vote of the people at the general election in November, 1864. I immediately offered a substitute, fixing the time at the Judicial Election in November, 1863, and it was adopted, by the following vote:

*Ayes*: Messrs. Baker, Bartlett, Bast, Bonnifield, Bush, Doniphan, Drake of St. Louis, Dunn, Eitzen, Frayser, Foster, Gorin, Gravelly, Henderson, Hough, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Lindenbower, Linton, Marvin, McClurg, McCormack, McDowell, Meyer, Morrow, Noell, Norton, Orr, Rankin, Ritchey, Rowland, Schofield, Scott, Shanklin, Smith of Linn, Stewart, Van Buskirk, Waller, Walker, Woolfolk, and Mr. President—46.

*Noes*: Messrs. Bass, Birch, Bogy, Breckinridge, Bridge, Broadhead, Calhoun, Cayce, Comingo, Deal, Devol, Douglas, Drake of Moniteau, Flood, Gamble, Gantt, Hall of Randolph, Hitchcock, Holmes, Holt, How, Howell, Irwin, Long, Matson, McFerran, McLane, Moss, Moxley, Phillips, Pomeroy, Prewitt, Ross, Sayre, Shackleford of Howard, Shackleford of St. Louis, Sheeley, and Smith of St. Louis—38.

Four St. Louis members, Messrs. Bush, Drake, Linton, and Meyer, voted for a submission to the people; and eleven against it, to-wit: Messrs. Breckinridge, Bridge, Broadhead, Gamble, Gantt, Hitchcock, Holmes, How, Long, Shackleford, and Smith.

The next day, on motion of Mr. Henderson, the vote was reconsidered; and upon putting the question again, my amendment was lost, by the following vote:

*Ayes*: Messrs. Allen, Baker, Bartlett, Bast, Bonnifield, Bush, Doniphan, Drake of St. Louis, Dunn, Eitzen, Frayser, Foster, Holt, Hough, Isbell, Jackson, Jamison, Johnson, Leeper, Lindenbower, Linton, Marvin, McClurg, McLane, Meyer, Morrow, Orr, Ray, Schofield, Scott, Shanklin, Smith of St. Louis, Stewart, Van Buskirk, Waller, Walker, and Mr. President—37.

*Noes*: Messrs. Bass, Birch, Bogy, Breckinridge, Bridge, Broadhead, Calhoun, Cayce, Comingo, Deal, Devol, Douglas, Drake of Moniteau, Flood, Gamble, Gantt, Gorin, Hall of Randolph, Henderson, Hitchcock, Holmes. How, Howell, Irwin, Matson, McDowell, McFerran, Moxley, Noell, Pomeroy, Prewitt, Ritchey, Ross, Sayre, Shackleford of Howard, Shackleford of St. Louis, Sheeley, Smith of Linn, Welch, Woodson, and Woolfolk—41.

This time, five St. Louis members were for referring the matter to the people, to-wit: Messrs. Bush, Drake, Linton, Meyer, and Smith; and nine against it, to-wit: Messrs. Breckinridge, Bridge, Broadhead, Gamble, Gantt, Hitchcock, Holmes, How, and Shackleford; Mr. Long not voting.

This was the last effort made to procure a vote of the people directly upon the Ordinance. On the last day of the session, however, I made another effort, in a different way, by proposing a substitute for the entire bill, providing for the election of another Convention on the Tuesday next after the first Monday of November next, and the taking of a vote of the people, at the same time, for and against Emancipation. If the majority of votes were for Emancipation, the new Convention should meet on the last Tuesday of December next; if the majority were against Emancipation, it should not meet at all. This substitute was lost, by a vote of 19 to 61.

Now, my friends, there is one strange thing about the votes of the St. Louis members on the proposition to submit the Ordinance to a popular vote. In June, 1862, Messrs. Breckinridge, Bridge, Broadhead, Hitchcock, Holmes and How voted against laying on the table Judge Breckinridge's ordinance, providing for taking a vote of the people in August, 1864, and may be fairly considered as then in favor of taking the sense of the people on the subject. But when we came, in June, 1863, to the question of taking a vote of the people in November, 1863, as to the Ordinance about to be passed, they all voted against it, and Messrs. Gamble, Gantt, Long and Shackleford went with them; my friend, Sol. Smith, voting both ways—first against, and at last for it. I do not assume to declare the motives which led those gentlemen to oppose a popular vote. They can do that, and when they do, you can judge what respect those motives are entitled to. But I will state the grounds taken in the discussion of the question.

In favor of a vote by the people, it was urged that the question was the most important ever brought up in Missouri, except that of secession; that the Convention was not elected with reference to it, except eleven members chosen in May and June of this year; that a number of the members did not represent by their votes the known wishes of their constituents in regard to Emancipation; that there was no good reason why, if Judges of the Supreme and Circuit Courts could be elected in November next, the people might not, at the same time, vote upon this question; that they had a right to be heard on it; and that it was an outrage, for a body not elected with reference to Emancipation to pass an Ordinance on the subject, and force it upon a muzzled people, who might be opposed to its terms, and would naturally desire the work to be done by men elected for that purpose.

Against taking a popular vote, it was urged that the State is in no condition for taking such a vote; that the disorder is such, that no fair expression could be had; that it was *possible* for Grant to be defeated at Vicksburg, and for Lee to take Baltimore and Washington; and *if* those things should happen, Price would invade Missouri, and the rebels would rise throughout the State! These were, in substance, the general objections, but not the controlling ones. The real ground of opposition, which Messrs. Gamble and Henderson did not hesitate to avow, was, that if the Ordinance were submitted to the people, *it would be* REJECTED! And so the majority resolved to force it upon the people whether they liked it or not, and gagged the people, because they would reject it!

Fellow citizens, if any such contemptuous disregard of the rights of the people has at any time been exhibited among us, I am ignorant of it. A body elected for a purpose which was expected to have been accomplished in the first six months of 1861, prolongs its own existence more than two years, and on the first of July, 1863, without any intermediate expression, in authentic form, by the people, and while the people are meditating the call of another Convention, expressly to pass upon the subject of Emancipation, takes that subject out of their hands, adopts Constitutional provisions in relation to it, which are to bind the people forever, and refuses to allow them yea or nay on the subject! And that body, let it be remembered, had, one year before, in effect, declared its work done, its mission accomplished; for, on the 13th of June, 1862, it resolved that when it adjourned that session it would adjourn to the Fourth of July, 1863, on which day it should, without assembling, stand adjourned *sine die*. No man then expected it would ever meet again, nor did any man suppose there would ever be occasion for it to do so. Nevertheless, to guard against unforeseen contingencies, the Governor was authorized to convene the body again, at any time prior to July 4, 1863, when in his judgment the public exigencies might require it. And upon his call, and moved by his sole will, it was re-convened, in June, 1863, to act upon the very last subject that any of its members, in June, 1862, would have imagined, after the Governor's message, on the 13th of that month, to which I have before referred, he ever would have called them to act upon; and the very last that they, if the matter had then been suggested as a ground of their reassembling, would ever have consented to come together again to consider. For, had they not, only six days before they resolved to adjourn to the 4th of July, 1863, pitilessly slaughtered the only proposition of Emancipation that had ever been brought before them? And would they, on the heels of that act, have willingly left the door open for the re introduction of that subject at any future day? Not they! not they! And yet the Governor, who then put words into their mouths to justify their refusal to touch the subject of Emancipation, and recorded his personal and legal opinion that it was a matter upon which they ought not to act, because the people never intended or imagined that they might, could, should, or would *ever* act upon it, convenes them, within nineteen days of the period they had set for their own dissolution, and invokes them to act upon that subject, and himself takes a leading part in their action upon it, and in opposition to the people's having the least voice in determining whether that action should bind them, or not! That body, to be sure, was elected by the people; but did it represent the present mind of the people on this subject? If it did, why not let the peo-

ple say so, and thereby calm the public mind? If it did not, why gag the people? Who ever before heard in this country of a body elected to carry out the people's will on one point, substituting its will for theirs on another point, and then muzzling them, so that they cannot speak it they die for it? My friends, what will you call this? For my part, let others call it what they may, I call it DESPOTISM—the exercise of absolute power, the wielding of authority unlimited and uncontrolled by men, constitutions, or laws, and depending alone upon the will of those who wield it. That is the definition of despotism, whether exercised by one man, holding absolute and irresponsible sway, or by many men, acting above and in disregard of the people's will; and as such I denounce it here in the presence of my constituents, and before the whole people of this State!

I beg you to notice by whom this was done, and the spirit in which it was done. Had you sat in the Convention, or witnessed its proceedings, you would have seen, as I did, that it was controlled by a solid column of pro-Slavery men, who knew that they were called together to take the work of Emancipation out of the hands of the people, and who performed the job as completely as if it had been done by a single man. It was a remarkable feature of the session, that the pro-Slavery members took very little part in the debates; and yet they moved as if impelled by a single will. On the call of the ayes and noes, their names followed in such uniform sequence together, that one could soon learn them and their order by heart. It was as plain as daylight that no argument or appeal could disturb their fixed purpose to consummate the object of their convocation. They were bound together by a common and well-understood aim; and when the vote of the first of their number on the roll was heard, you might usually know how the rest would go. And yet, while there, I heard not of any caucus held by them, nor do I suppose they held or needed any. Each man knew what was to be done, and he wandered not from the path marked out for him. It was a consolidated phalanx, thinking, speaking, and acting in the interest of an institution, which they knew was rapidly nearing extinction in Missouri, and were determined to keep alive as long as they could, knowing that that was much longer than the people would allow, if once they could reach it. It was the same bold, resolute, and defiant disregard of the popular will, that was displayed by Southern leaders in precipitating the war which has so afflicted our country. They would have done worse had they dared: they could not have done better and be true to the spirit of domination, with which the champions of Slavery are ever ready to bear down opposition, and subject the majority to the arrogant will of an overbearing minority.

And now, fellow-citizens, in view of the case as it thus stands, the great and momentous question arises—What shall be done by the people of Missouri, thus deprived of their cherished right to be heard in the choice of their own rulers, and in the shaping of their own internal policy in regard to the infinitely important subject of Emancipation? No man could approach this question with a more profound sense of its importance, than I do. It involves results which connect themselves with the whole future destiny of Missouri. It is not merely whether a particular scheme of Emancipation shall stand, but whether popular sovereignty shall stand. The people here are, theoretically, practically, and constitutionally, the source of power; and any body of men setting themselves up to make fundamental laws in defiance of the people's will, become thereby, in the particular case, despots in fact, whatever their intent. I do not say that each and every member of the Convention who voted to refuse the people a voice in the selection of their rulers, and in deciding upon the Convention's act of Emancipation, was actuated by a despotic spirit; but I do say that his action was, in fact, despotic, in the true sense of the term; because it was simply an arbitrary exercise of a power which was granted him for other ends; which the people never supposed would be exercised as it has been; which was wielded for the purpose of intercepting and defeating their action; and which was consummated with a direct and obstinate refusal to grant them the privilege of ratifying or rejecting the work of their servant-masters. And now it is demanded of us to submit quietly to all this, on peril of being branded as rebels! And this is flaunted in our teeth by men and public journals, which, for the greater part of the two years of this civil war, have nursed in themselves, and inculcated upon others, the spirit of rebellion, till they have forgotten the difference between an appeal to the ballot and an appeal to the bullet, and can see in the former only a fit prelude to the latter. Such things are as meaningless to me as

> "Fee, faw, fum!
> I smell the blood of an Englishman,
> Dead or alive I'll have some!"

I know what the sovereignty of the people is, and how to maintain it. I know the obligation of constitutions and laws, and how to uphold them. I know that the power of the people is in orderly and lawful action, and to that alone I appeal. I have nothing to do with any other resort. Leave violence, insubordination and rebellion to the minions of Slavery; we have had enough of them from that quarter. But we have a right to invoke the people to reverse the action of their own servants. We have a right to demand of our Legislature *the calling of another Convention* to declare and execute the PEOPLE'S will in regard to Emancipation. We have a right to vindicate popular liberty by every peaceful and lawful means, and we seek to do it only by such means. We have a right to arouse the people to a sense of the wrong they have sustained, and the dangers that threaten them. And we will do it! If by rightful appeals and agencies we can reach the popular mind, and turn it to the great work of rescuing popular sovereignty from the peril assailing it, we will do it! If by legitimate processes we can strike down the defenses of Slavery, and at the same time defend and re-establish the rights of the people, we will do it! We have not sought this issue. We struggled hard to have the people speak, but they have been silenced; to have them free, but they have been bound; silenced and bound by their own trusted agents! But they will be heard, and will snap the cords with which it is attempted to tie them. And when they do so, let those stand out of the way, who, for the sake of the corpse of Slavery, tried to muzzle and manacle a free people!

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